

REMARKS

Claims 14-32 are pending. By this Amendment, no claims are cancelled, claim 14 and 27 are amended and no new claims are added.

35 USC § 102

The office action rejected claims 14, 15, 17-21, 23-27 and 29-32 under 35 USC § 102(b) as being anticipated by Dewey (US 5,548,352). By this amendment applicant has amended independent claims 14 and 27 to recite the limitation “wherein said peripheral region is neither involved in nor intended for imaging of said object field of said object”. Support for this amendment may be found, for example, on page 3, fourth paragraph of the application as originally filed.

The Dewey reference does not disclose or suggest these limitations in combination with the other limitations recited in claims 14 and 27. Rather, Dewey discloses an ophthalmic contact lens with a central region 66 and a peripheral region 72. The peripheral region includes additional lens elements which make the optical effect of the peripheral region different from the central region. In particular, the lens elements of the peripheral region are intended to provide an astigmatic focusing to assist the surgeon to better view the interior of the eye. Therefore, as disclosed by Dewey, both the central region and the peripheral region participate in imaging of the object field of the object. Therefore amended claims 14 and 27 should be patentable for at least this reason. Applicant respectfully requests that the Examiner withdraw the rejection.

Further, Dewey does not disclose or suggest a coupling unit for coupling illumination radiation into the peripheral region. Therefore Dewey does not disclose or suggest the limitation “wherein said illumination beam path is guided in said peripheral region and carries said

illumination radiation, coupled into said peripheral region". For at least this additional reason the Dewey reference does not anticipate claim 14. Claims 15-26 depend from claim 14 and are patentable as well for at least this reason. Applicants respectfully request that the Examiner withdraw the rejection.

Claim 27 has been amended to include limitations similar to claim 14 and should be patentable for at least the same reasons. Claim 28-32 depend from claim 27 and should be patentable for at least the same reasons as claim 27. Applicant respectfully requests that the Examiner withdraw the rejection.

35 USC § 103

The office action rejected claims 16, 22 and 28 under 35 103(a) as being unpatentable over Dewey. Applicant respectfully traverses the rejection. Initially, claims 16, 22 and 28 are now patentable by virtue of their dependency on underlying base claims 14 and 27 that are patentable. Further, as disclosed in the Dewey reference, the peripheral region takes part in imaging of the object. The disclosure of Dewey indicates that the peripheral region includes special lens elements in order to obtain enhanced image quality. As such, it would be directly contradictory to the disclosure of Dewey to use a peripheral region which is neither involved in nor intended for imaging of the object field as now recited in claims 14 and 27. To modify Dewey to meet the limitations of claims 14 and 27 would eliminate the benefits of Dewey.

Further, Dewey teaches away from the limitations wherein said peripheral region is neither involved nor intended for imaging of said object field of said object. As such, the present invention is not obvious over Dewey. Applicants respectfully request that the Examiner withdraw the rejection.

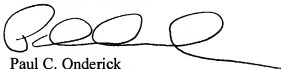
With particular regard to claim 22, the Examiner has taken official notice that it should be obvious to one of ordinary skill in the art to provide an LED. Applicant respectfully traverses the rejection. First, the Examiner does not cite any evidence in the prior art supporting the provision of a light-emitting diode in the peripheral region. Secondly, provision of a light-emitting diode in the peripheral region of Dewey would destroy the effect that Dewey seeks to achieve. Specifically, it would eliminate the ability to view the interior of the eye through the peripheral region. As such, the taking of official notice and rejection of claims 16, 22 and 28 represents a hindsight analysis which is impermissible in relation to 35 USC § 103. Therefore, these claims should be allowable for at least this additional reason.

Applicants respectfully traverse the assertions of official notice made with regard to claims 16, 22 and 28 and require that the basis for these assertions be stated and a reference cited to substantiate each assertion or that the Examiner execute a declaration or affidavit if personal knowledge forms the basis for the rejection. See, M.P.E.P. § 2144.03. ("The Examiner may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well- known" in the art. ...If the Applicant traverses such an assertion the Examiner should cite a reference in support of his or her position."). Applicant respectfully requests that the Examiner withdraw the rejection.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Onderick', with a long horizontal flourish extending to the right.

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